

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 51064
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

JUN 26 2023 1:40
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Matt Dirks
Address: 6604 AA RD.
City: Montezuma State KS Zip Code 66007 67867
Telephone Number: (620) 846-0552

RECEIVED

2. The source of water is: [ ] surface water in (stream)
OR [X] groundwater in Crooked Creek (43) (drainage basin)

JUN 23 2023
Garden City Field Office
Division of Water Resources

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 15 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 100 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) [ ] Artificial Recharge (b) [ ] Irrigation (c) [ ] Recreational (d) [ ] Water Power
(e) [X] Industrial (f) [ ] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control
(i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection
(m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 4 GMD 3 Meets K.A.R. 5-3-1 (YES) NO Use IND Source G S County GY By ALB Date 6/27/23
Code REG Fee \$ 200.00 TR # Receipt Date Check # 11625

6/27/2023
LMoody

SCANNED

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NE quarter of the NE quarter of the SW quarter of Section 2, more particularly described as being near a point 2728 feet North and 2606 feet West of the Southeast corner of said section, in Township 29 South, Range 29 West, GY \_\_\_\_\_ County, Kansas.

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Same \_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 23, 2023. \_\_\_\_\_  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of one well and associated discharge \_\_\_\_\_  
(number of wells, pumps or dams, etc.)  
and (will be) completed (by) November 1, 2023 \_\_\_\_\_  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2023 \_\_\_\_\_  
(Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

WATER RESOURCES RECEIVED

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

JUN 26 2023

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

KS DEPT OF AGRICULTURE

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

---



---



---



---



---

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes |  Well as completed |  Drillers log attached

Well location as shown in paragraph

No.	(A)	(B)	(C)	(D)
Date Drilled	4/13/2010			
Total depth of well	375			
Depth to water bearing formation	315			
Depth to static water level	188			
Depth to bottom of pump intake pipe				

14. The relationship of the applicant to the proposed place where the water will be used is that of agent  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
\_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Warden City, Kansas, this 23<sup>rd</sup> day of June, 2023.  
(month) (year)

Mamad Ni  
\_\_\_\_\_  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

WATER RESOURCES  
RECEIVED

JUN 26 2023

KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

JUN 26 2023

KS DEPT OF AGRICULTURE

**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. \_\_\_\_\_

Name of Applicant (Please Print): Matt Dirks

1. Please describe type of industry or product produced: Chicken eggs  
 \_\_\_\_\_ Standard Industrial Classification Code Number: 112310

2. Please complete the following table to show your past and present water requirements:

**PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago	0	0	0
Last year	0	0	0
Present year	0	0	0

3. Please complete the following table to show your future water requirements:

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	20,000/100=200	657,000	9
Year 2	20,000/100=200	657,000	9
Year 3	20,000/100=200	657,000	9
Year 4	20,000/100=200	657,000	9
Year 5	20,000/100=200	657,000	9

Number of days of operation of the industry per year is 365 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
9	29	29W										10			10					20

You may attach any additional information you believe will assist in informing the Division of the need for your request.

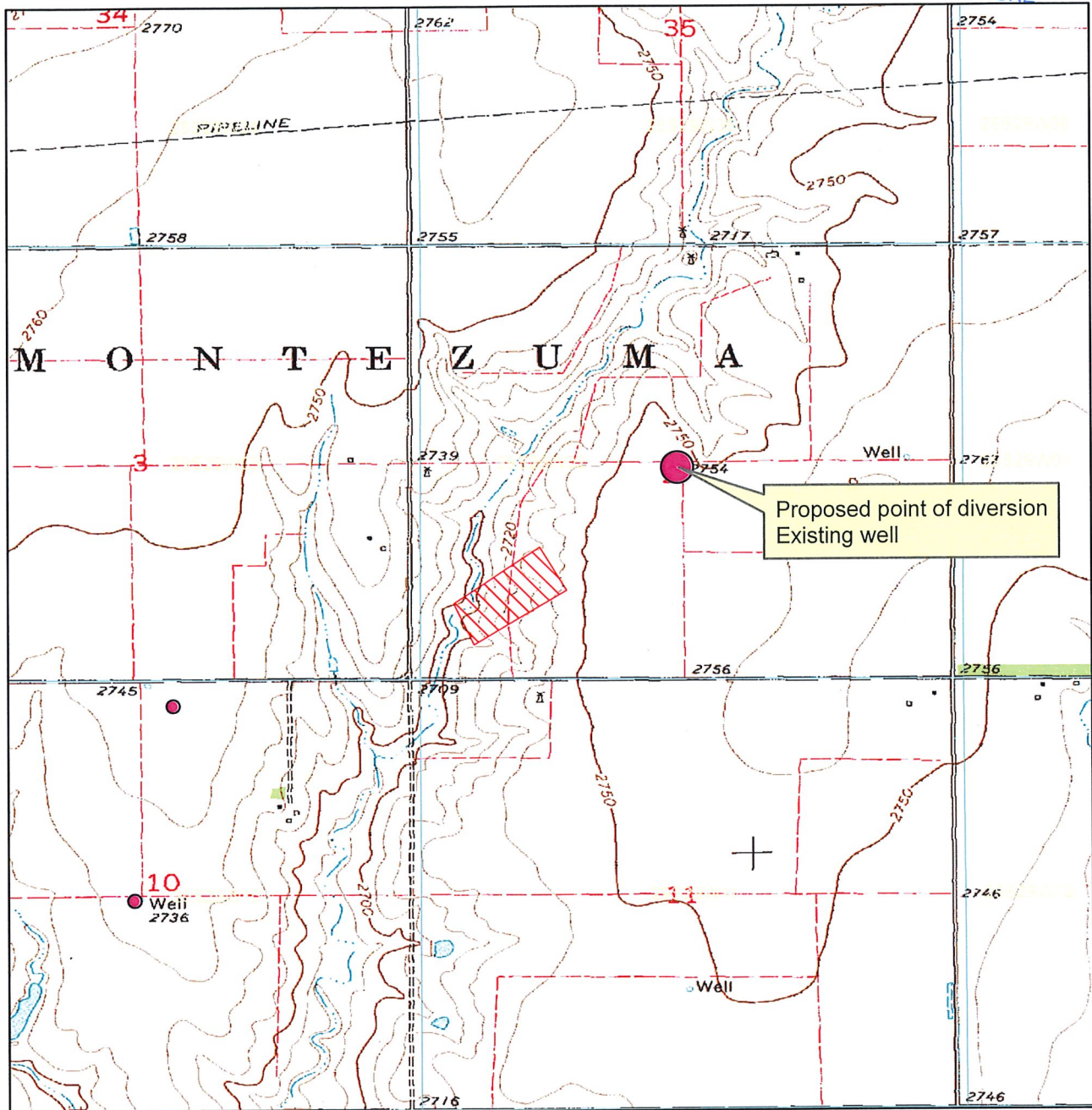
SCANNED

# New application for Industrial use

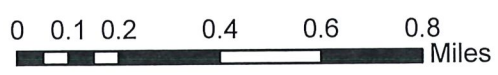
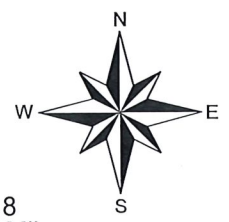
WATER RESOURCES RECEIVED

JUN 26 2023

KS DEPT OF AGRICULTURE



- Authorized point of diversion
- Proposed point of diversion
- / / / / Proposed Place of Use



All wells within 1/2 mile are noted

SCANNED

Report Date: Thursday, June 22 2023

Water Rights and Points of Diversion Within 2 miles of point defined as:

2728 Feet N and 2606 Feet W of the Southeast Corner of Section 2 Twp 29S Rng 29W
Located at: 100.461001 West Longitude and 37.555000 North Latitude
Both SURFACE WATER and GROUNDWATER

Table with columns: File Number, Use, ST, SR, Dist (ft), Q4, Q3, Q2, Q1, FeetN, FeetW, Sec, Twp, Rng, ID, Batt, Auth\_Quan, Add\_Quan. Contains multiple rows of data for various water rights and diversions.

Summary table with columns: Total Net Quantities Authorized, Direct, Storage. Rows include Total Requested Amount (AF), Total Permitted Amount (AF), Total Inspected Amount (AF), Total Pro\_Cert Amount (AF), Total Certified Amount (AF), Total Vested Amount (AF), and TOTAL AMOUNT (AF).

WATER RESOURCES RECEIVED

JUN 26 2023

KS DEPT OF AGRICULTURE

An \* after the source of supply indicates a pending application for change under the file number.
An \* after the ID indicates a 15 AF exemption was granted under the file number.
A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2 miles of point defined as:

2728 Feet North and 2606 Feet West of the Southeast Corner of Section 2 Twp 29S Rng 29W
Located at: 100.461001 West Longitude and 37.555000 North Latitude
Both SURFACE WATER and GROUNDWATER
WATER USE CORRESPONDENTS:

File Number Use ST SR
> JEFF SCHMIDT FAMILY TRUST
>
> 32502 10 RD
> MONTEZUMA KS 67867

SCANNED



>-----  
> VICTOR V & LOUISE M THOMAS TRUSTS  
>  
> PO BOX 381  
> MONTEZUMA KS 67867  
>-----  
> DANIEL & SANDRA DIRKS TRUST  
>  
> PO BOX 558  
> MONTEZUMA KS 67867  
>-----  
> DANIEL & SANDRA DIRKS TRUST  
>  
> PO BOX 558  
> MONTEZUMA KS 67867  
>-----  
> JEFF SCHMIDT FAMILY TRUST  
>  
> 32502 10 RD  
> MONTEZUMA KS 67867  
>-----  
> RONNIE JANTZ  
>  
> 10805 FF RD  
> MONTEZUMA KS 67867  
>-----  
> REED FARMS INC  
> JEFF REED  
> PO BOX 457  
> MONTEZUMA KS 67867  
>-----  
> FARMERS NATIONAL COMPANY  
> TR REAL ESTATE MONTGOMERY  
> PO BOX 1834  
> GARDEN CITY KS 67846  
>-----  
> WENDEL KOEHN  
>  
> 33305 13 RD  
> MONTEZUMA KS 67867  
>-----  
> NEIL PETERS  
>  
> PO BOX 113  
> MONTEZUMA KS 67867  
>-----  
> DANIEL & SANDRA DIRKS TRUST  
>  
> PO BOX 558  
> MONTEZUMA KS 67867  
>-----  
> DANIEL & SANDRA DIRKS TRUST  
>  
> PO BOX 558  
> MONTEZUMA KS 67867  
>-----  
> KEVIN REDGER  
>  
> 12105 FF RD  
> MONTEZUMA KS 67867  
>-----  
=====

## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES  
RECEIVED

JUN 26 2023

KS DEPT OF AGRICULTURE

SCANNED

**DATA ENTRY SYSTEM ID NUMBER SHEET**

FILE NUMBER

51064

APPLICANT

PDIV ID

BATTERY ID

PERSON ID & SEQ #

90419

67726

LANDOWNER

PUSE ID

PERSON ID & SEQ #

71447

67726

WATER USE CORRESPONDENT

PERSON ID & SEQ #

67726

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

August 14, 2023

JOE E MONTGOMERY FAMILY TRUST  
Attn: INTRUST BANK NA  
PO BOX 1  
WICHITA, KS 67201-5001

Re: Pending New Application, File No. 51,064

Dear Sir or Madam:

This is to advise you that Matt Dirks has filed the application referred to above for a permit to appropriate 15 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 100 gallons per minute. The proposed point of diversion is one well located as follows:

One well located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 2, in Township 29 South, Range 29 West, Gray County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (620) 276-2901. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner  
Garden City Field Office

pc: GMD#3